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EXAMINER

TAYLOR, BARRY W

ART UNIT PAPER NUMBER

2643

DATE MAILED: 04/16/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,473

Applicant(s)

HAN, SANG HYUN

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Objections

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the telephone and caller id terminal as recited in claim 30 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 20-22, 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Cramer et al (6,304,651 hereinafter Cramer).

Regarding claims 1, 20 and 33. Cramer teaches an apparatus for transmitting and receiving a message using a caller ID, comprising:

a first communication device (see SRA server 16 and figures 1-2) having an embedded circuit to receive, modulate, and transmit information from an information

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provider, the information comprising an advertisement message (col. 5 lines 8-26, col. 10 lines 52-56, col. 11 lines 4-23, col. 17 lines 20-65);

a cable/mobile communication company (see C.O. Service Unit 18 and 22 figures 1-2) device configured to receive the information from the first device, the cable/mobile communication company switching device having an embedded circuitry for demodulating and transmitting the information and at least one of telephone number as caller ID data (col. 5 lines 8-26, col. 10 lines 52-56, col. 11 lines 4-23, col. 17 lines 20-65); and

a subscriber device (see telephone 20 figure 1) configured to receive the information and the at least one of telephone number (col. 5 lines 8-26, col. 10 lines 52-56, col. 11 lines 4-23, col. 17 lines 20-65) from the first communications device through the cable/mobile communication company switching device and the communication network, the subscriber device having a display unit and an embedded circuit to demodulate and identify the caller ID data, and the display unit to display the information and the at least one of the telephone number (col. 5 lines 8-26, col. 10 lines 52-56, col. 11 lines 4-23, col. 17 lines 20-65).

Regarding claim 2. Cramer shows the subscriber device (see telephone 20 figure 1) displays the information and the identity of the sender on the display (col. 5 lines 8-26, col. 10 lines 52-56, col. 11 lines 4-23, col. 17 lines 20-65).

Regarding claims 3-4, 21-22 and 34-35. Cramer shows the information is a text message (see advertising column 5, col. 10 lines 52-56).

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Regarding claim 5. Cramer teaches the first communications device is an advertisement service company device and the subscriber device is an advertisement service subscriber device (col. 17 lines 20-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-11, 13-14, 16-19 and 23-32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cramer et al (6,304,651 hereinafter Cramer) in view of Isenberg et al (5,570,295 hereinafter Isenberg).

Regarding claims 6 and 13. Cramer teaches providing an identification of at least one message recipient and an advertisement message (col. 5 lines 8-26, col. 10 lines 52-56, col. 11 lines 4-23, col. 17 lines 20-65). However, Cramer does not explicitly show identification information of a message provider.

Isenberg teaches transmitting data indicative of the product or service being advertised, date, time and/or the name of the service provider encoded in a message to be broadcasted (col. 3 lines 19-29, col. 4 lines 53-59, col. 5 lines 27-67, col. 6 lines 16-32).

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Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the advertisement as taught by Cramer to include the name of service provider as taught by Isenberg for the benefit of knowing the realtor's name of the advertisement as taught by Isenberg.

Regarding claims 7 and 14. Cramer teaches using FSK (col. 2 lines 61-64).

Regarding claims 8-11 and 24. Cramer teaches allowing advertising company select subscriber terminals to receive advertisement (col. 17 lines 20-65)

Regarding claim 16 and 23. Cramer teaches the advertisement messages may include caller id (col. 10 lines 52-56).

Regarding claim 17. Cramer does not explicitly show providing the service before payment.

Isenberg teaches transmitting data indicative of the product or service being advertised, date, time and/or the name of the service provider encoded in a message to be broadcasted (col. 3 lines 19-29, col. 4 lines 53-59, col. 5 lines 27-67, col. 6 lines 16-32). Isenberg teaches charging subscribers (col. 1 lines 35-47, col. 5 lines 48-58).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the advertisement as taught by Cramer provide billing information as taught by Isenberg for the benefit of charging subscriber.

Claims 18 and 31 are rejected for the same reasons as claims 6 and 13 since claims 18 and 31 are a combination of claims 6 and 13.

Regarding claim 19 and 32. Cramer discloses that the telephone (see 20 figure 4, col. 10 lines 52-56) has memory for storing advertisement.

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Regarding claims 25-26. Cramer discloses the advertiser selects subscribers to receive advertisement and the telephone switch transmits the advertisement to subscriber (col. 5 lines 8-26, col. 10 lines 52-56, col. 11 lines 4-23, col. 17 lines 20-65).

Regarding claim 27. Cramer teaches PSTN (col. 5 lines 6-7).

Regarding claim 28. Isenberg teaches that over-the-air broadcast may be used (col. 3 line 16).

Regarding claims 29-30. Cramer teaches using a display-to-display advertisement (see 20 figure 4).

4. Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cramer et al (6,304,651 hereinafter Cramer) in view of Isenberg et al (5,570,295 hereinafter Isenberg) further in view of Stumm (5,768,528).

Regarding claim 15. Cramer does not explicitly show using icon

Isenberg teaches transmitting data indicative of the product or service being advertised, date, time and/or the name of the service provider encoded in a message to be broadcasted (col. 3 lines 19-29, col. 4 lines 53-59, col. 5 lines 27-67, col. 6 lines 16-32).

Stumm shows in figure 1 that a plurality of subscribers #26 can receive news and advertisements from publishers #24. Stumm shows that different publisher's and corresponding news and advertisement images may be transmitted to the subscriber's terminal and stored in memory so that the subscriber can select which newspaper to read (figure 10) when they so desire (column 11).

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Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the advertisement as taught by in view of Isenberg to include advertisements from different newspapers as taught by Stumm so that subscriber's may receive and store news and advertisement images at their terminals from different newspapers enabling for later scrolling/retrieval of news and advertisements.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.


SINH TRAN
PRIMARY EXAMINER